

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KYLE PATRICK RYAN,

Petitioner,

v.

WARDEN OF PLEASANT VALLEY
STATE PRISON,

Respondent.

No. 1:23-cv-00880-SKO (HC)

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DIVISION OF THE
CENTRAL DISTRICT OF CALIFORNIA

On June 8, 2023, Petitioner filed a habeas corpus action pursuant to 28 U.S.C. § 2254 in this Court. Because venue is proper in the Southern Division of the Central District of California, the Court will order the petition transferred.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. §1391(b).

In this case, Petitioner is challenging his conviction from Orange County, which is in the Southern Division of the Central District of California. Venue is therefore proper in the Central

1 District, and the petition should have been filed there. In the interest of justice, a federal court
2 may transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a);
3 Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, the Court ORDERS that this matter is transferred to the Southern Division
5 of the United States District Court for the Central District of California.

6
7 IT IS SO ORDERED.

8 Dated: **June 13, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE